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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

C.B., a minor, by and through his
parents Chris Bishop and Sara
Christensen; J.B., a minor, by and
through his parents Chris Bishop and
Sara Christensen; CHRIS BISHOP,
individually; and SARA
CHRISTENSEN, individually,

Plaintiffs,

v.

LAKE CHELAN SCHOOL DISTRICT
NO. 129, a Washington public school
district; and K.C. CRAVEN,
individually,

Defendants.

NO. 2:14-cv-00082-JLQ

JOINT STATUS REPORT

Plaintiffs and Defendant Lake Chelan School District, in compliance with
the Court's April 8, 2014 Order (ECF No. 6) and Fed. R. Civ. P. 26(f), inform the
Court as follows:

1. Fed. R. Civ. Proc. 26(a)(1) Initial Disclosure Deadline. The initial
FRCP 26(f) conference between the parties to this joint status report took place on
April 10, 2014.

1 The parties have agreed to exchange initial disclosures as required by FRCP
2 26(a) no later than April 30, 2014.

3
4 2. Subject Matter. Plaintiffs intend to conduct discovery regarding the
5 allegations in Plaintiffs' complaint; Defendant's affirmative defenses; and
6 testimony of any expert witnesses identified by Defendant. Plaintiffs also intend to
7 pursue third party discovery.
8

9 Defendant intends to conduct discovery into Plaintiff's allegations of
10 liability and damages. Defendant intends to depose all of the plaintiffs, as well as
11 any liability and damages experts identified. Defendant also anticipates having the
12 minor plaintiffs evaluated by a psychologist pursuant to FRCP 35.
13

14 3. Electronically Stored Information ("ESI"). The parties will work to
15 ensure that discovery is managed efficiently and will discuss the electronic systems
16 used by each party and the form of production for all ESI before gathering and
17 processing ESI for production.
18

19 4. Privilege and Protection Issues. The parties agree that any
20 information or documents withheld as privileged will be logged on a privilege log.
21 The parties are discussing an appropriate protective order to handle the treatment
22 of confidential information.
23

24 Plaintiffs anticipate they will need to seek a protective order to bar
25 depositions of the minor plaintiffs, limit the length and/or scope of depositions,
26
27

1 require depositions to be conducted in writing or impose other restrictions, and to
2 bar or limit psychological evaluations of the minor plaintiffs to protect them from
3 unreasonable harm. Plaintiff also anticipate that discovery in this case will involve
4 private and personal medical and counseling records, and will therefore seek to
5 enter an agreement with Defendant or a court order, if necessary, keeping those
6 documents confidential.
7

8
9 Defendant anticipates that discovery in this case will involve documents that
10 likely constitute “educational records” pursuant to 20 U.S.C. § 1232g (Family
11 Educational and Privacy Rights Act). Defendant will cooperate in the production
12 of such records, but will seek both a court order compelling the production of such
13 records, and an order of protection keeping those documents confidential.
14

15
16 5. Changes to Limitations on Discovery. None at this time.

17 6. Other Orders. The parties are discussing an appropriate protective
18 order to handle the treatment of confidential information.
19

20 7. The parties have also discussed the subjects set forth in the Court’s
21 April 10, 2014 Order (ECF No. 7) and have agreed as follows:

22 a. Service of Process on parties not yet served. Plaintiff has made
23 at least six attempts to serve Defendant K.C. Craven at three different locations,
24 and is still in the process of attempting to perfect personal service. Jerry Moberg
25 of the law firm Jerry Moberg & Associates, PS has notified Plaintiffs’ counsel that
26
27

1 he will represent Defendant Craven when Plaintiffs have perfected service. For
2 these reasons, Plaintiffs believe that Defendant Craven is evading personal service
3 and Plaintiffs anticipate moving the court for permission to serve Defendant
4 Craven by other means, including mail and/or publication.
5

6 b. Jurisdiction and Venue. This Court has subject matter
7 jurisdiction pursuant to 28 U.S.C. § 1331, as the matter involves allegations that
8 Defendant has violated federal law. The Court also has supplemental jurisdiction
9 over Plaintiffs' Washington State law claims pursuant to 28 U.S.C. § 1367(a)
10 because the state law claims asserted in this action are so related to the federal
11 claims that they form part of the same case or controversy under Article III of the
12 U.S. Constitution. This Court has personal jurisdiction over Defendant Lake
13 Chelan School District because Defendant is located in this District and all the
14 events or omissions giving rise to the claims occurred in this District. This Court
15 has personal jurisdiction over Defendant K.C. Craven because he is believed to be
16 located in this District and all the events of omissions giving rise to the claims
17 against him occurred in this District.
18

19 Venue is proper in this District pursuant to 28 U.S.C. § 1391(a) because the
20 events or omissions giving rise to the claims occurred in this District.
21

22 c. Anticipated Motions. Plaintiffs anticipate they will need to seek a
23 protective order to bar depositions of the minor plaintiffs, limit the length and/or
24
25
26
27

1 scope of depositions, require depositions to be conducted in writing or impose
2 other restrictions, and to bar or limit psychological evaluations of the minor
3 plaintiffs to protect them from unreasonable harm. Plaintiff also anticipate that
4 discovery in this case will involve private and personal medical and counseling
5 records, and will therefore seek to enter an agreement with Defendant or a court
6 order, if necessary, keeping those documents confidential.
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10 likely constitute “educational records” pursuant to 20 U.S.C. § 1232g (Family
11 Educational and Privacy Rights Act). Defendant will cooperate in the production
12 of such records, but will seek both a court order compelling the production of such
13 records, and an order of protection keeping those documents confidential.
14

15
16 d. Rule 26(f) Conference. The parties conducted the Rule 26(f)
17 conference on April 10, 2014.

18
19 e. Trial.

20 i. Suggested trial date: Plaintiffs are requesting a trial date
21 of August 3, 2015; Defendant Lake Chelan School District is
22 requesting a trial date in July 2015.

23
24 ii. Length: Ten to 15 court days.
25
26
27

1 iii. Pretrial conference suggested date: Plaintiffs are
2 requesting a pretrial conference on July 20, 2015. Defendants are requesting a
3 pretrial conference on June 22, 2015.
4

5 iv. Jury trial requested (ECF No. 5).
6

7 f. Special Procedures. The parties are not aware of any need for
8 consolidation, reference to a special master or magistrate, arbitration or to the
9 Judicial Panel on Multi-district Litigation.
10

11 g. Modification of Pretrial Procedures. The parties are not aware of any
12 need to modify the standard pretrial procedures.
13

14 h. Bifurcation. The parties are not aware of any need for bifurcation.
15

16 i. Magistrate. The parties do not agree to proceed before a Magistrate
17 Judge. Plaintiffs notified the Clerk's Office as required.
18

19 j. Likelihood of Settlement and the Point at Which the Parties Can
20 Conduct Meaningful Dispute Resolution. The parties agree that mediation may be
21 appropriate at around the time of the discovery cut-off.
22

23 k. Other Matters/Suggestions for Just, Efficient, and Economical
24 Determination of the Action.
25

26 l. Electronic Service. The parties agree that, for purposes of service and
27 computation of response deadlines under the Local Rules, filing by ECF will
constitute service by hand on the date ECF automated notification is sent. The

1 parties agree that electronic service of all other documents, including discovery
2 requests and responses, shall also constitute sufficient service.
3

4 RESPECTFULLY SUBMITTED AND DATED this 24th day of April,
5 2014.

6 TERRELL MARSHALL DAUDT &
7 WILLIE PLLC

EVANS CRAVEN & LACKIE P.S.

8 By: /s/ Erika L. Nusser

By: /s/ Frieda K. Zimmerman

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Attorneys for Plaintiff

*Attorneys for Defendant Lake Chelan
School District No. 12*

CERTIFICATE OF SERVICE

I, Erika L. Nusser, hereby certify that on April 24, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendant Lake Chelan School District No. 129

DATED this 24th day of April, 2014.

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